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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE CEMENT  
MASONS HEALTH AND WELFARE TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; and BOARD OF  
TRUSTEES OF THE CEMENT MASONS  
TRAINING TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

vs.

NEIL JACKSON CONSTRUCTION, a  
California company, formerly known as KM  
JACKSON ENGINEERING, a California  
company; and NEIL JEFFERY JACKSON, an  
Individual,

Defendants.

Case No.: C 07 2842 BZ

**STIPULATION FOR DISMISSAL OF  
BREACH OF FIDUCIARY DUTY CAUSE  
OF ACTION; ORDER THEREON**

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING

Case No.: C 07 2843 BZ

1 TRUST FUND FOR NORTHERN  
2 CALIFORNIA,

3 Plaintiffs,

4 vs.

5 NEIL JACKSON CONSTRUCTION, a  
6 California company, formerly known as KM  
7 JACKSON ENGINEERING, a California  
company, and NEIL JEFFERY JACKSON, an  
Individual,

8 Defendants.

9 STIPULATION

10 IT IS HEREBY STIPULATED by and between Plaintiffs Board of Trustees of the  
11 Cement Masons Health and Welfare Trust Fund for Northern California, Board of Trustees of  
12 the Cement Masons Vacation-Holiday Trust Fund for Northern California, Board of Trustees of  
13 the Cement Masons Pension Trust Fund for Northern California and Board of Trustees of the  
14 Cement Masons Training Trust Fund for Northern California, on the one hand, and Defendants  
15 Neil Jackson Construction, a California company and Neil Jeffery Jackson, an individual, and  
16 each of them, on the other hand, that the Third Claim For Relief, Breach of Fiduciary Duty, be  
17 dismissed, with prejudice, as against all Defendants.

18 DATED: December 7, 2007

Plaintiffs

19 By: John J. Hagan

20 Its: A/R MANAGER

21  
22 DATED: December 6, 2007

Neil Jackson Construction, a California  
Company

23 By: N. J. Jackson

24 Its: \_\_\_\_\_

25  
26 DATED: December 6, 2007

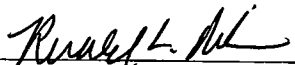
27 By: Neil Jeffery Jackson

28 Neil Jeffery Jackson

1 The undersigned counsel have advised their clients regarding this Stipulation and have  
2 approved it as to form.

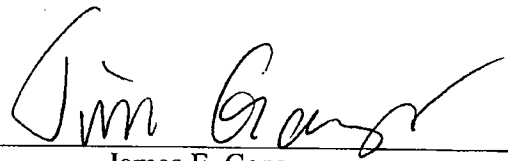
3 DATED: December 6, 2007

4 BULLIVANT HOUSER BAILEY PC

5  
6  
7 By   
8 Ronald L. Richman  
9 Attorneys for Plaintiffs

10 DATED: December 6, 2007

11 GANZER & WILLIAMS


12  
13 By   
14 James E. Ganzer  
15 Attorneys for Defendants

16  
17 **ORDER**

18 The parties having so Stipulated:

19 IT IS HEREBY ORDERED that the Third Claim For Relief, Breach of Fiduciary Duty,  
20 be dismissed, with prejudice, as against all Defendants.

21 Dated: Dec. 7th, 2007

22   
23 Hon. Bernard Zimmerman  
24 United States Magistrate Judge

